

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION For P Ridge Processing Site

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD):

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD: Timothy Rhye; Western Kentucky Minerals, 6133 US Hwy 60 East, Owensboro, KY 42303

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:

**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)**

State: Kentucky County: Daviess & Ohio City: Pleasant Ridge (nearest)
Center coordinates of site (lat/long in degree decimal format): Lat. 37.58167 N,
Long. 87.00444 W.

Universal Transverse Mercator: 4159401N 499607E

Name of nearest waterbody: UT to North Fork Barnett Creek.

Identify (estimate) amount of waters in the review area:

Non-wetland waters: 1818 linear feet: 0.8-5.0 (bottom) width (ft) and 3.207 (open waters) acres.

Cowardin Class: N/A

Stream Flow: Ephemeral= 1501', Intermittent= 317'

Wetlands: 0.688 acres within permit boundary.

Cowardin Class: PFO1A, PEM1B, PEM1C, PEM1F, PSS1E

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal: N/A

Non-Tidal: N/A

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☐ Office (Desk) Determination. Date:

☐ Field Determination. Date(s):

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the

activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there *"may be"* waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply -

checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - ☐ Office concurs with data sheets/delineation report.
 - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps: .
- ☐ Corps navigable waters' study: .
- ☒ U.S. Geological Survey Hydrologic Atlas: .
 - ☐ USGS NHD data.
 - ☒ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: Utica, 1:24000.
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Daviess County & Ohio County (on-line).
- ☒ National wetlands inventory map(s). Cite name: Utica NWI.
- ☐ State/Local wetland inventory map(s): .
- ☒ FEMA/FIRM maps: Daviess Co. & Ohio Co. FIRM's.

- ☐ 100-year Floodplain Elevation is: _____ (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Unknown date.
or ☒ Other (Name & Date): Taken during assessments.
- ☐ Previous determination(s). File no. and date of response letter: _____.
- ☐ Other information (please specify): _____.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Signature and date of
Regulatory Project Manager
(REQUIRED)

Signature and date of
person requesting preliminary JD
(REQUIRED, unless obtaining the
signature is impracticable)

P RIDGE PROCESSING SITE

Site number	Latitude	Longitude	Cowardin Class/Flow Regime	Estimated amount of resource in permit area	Class of aquatic resource
I-1	37.581194	87.002028	intermittent	81 linear feet	non-section 10 – non-wetland
I-2US	37.588028	87.002556	intermittent	82 linear feet*	non-section 10 – non-wetland
I-3	37.580833	87.006806	intermittent	54 linear feet	non-section 10 – non-wetland
I-4	37.583056	87.004889	intermittent	100 linear feet	non-section 10 – non-wetland
E-1	37.580167	87.034917	ephemeral	484 linear feet	non-section 10 – non-wetland
E-2	37.580583	87.033750	ephemeral	207 linear feet	non-section 10 – non-wetland
E-3	37.558172	87.003750	ephemeral	487 linear feet	non-section 10 – non-wetland
E-4	37.585272	87.002222	ephemeral	94 linear feet	non-section 10 – non-wetland
E-5	37.586611	87.002417	ephemeral	70 linear feet*	non-section 10 – non-wetland
E-6	37.588222	87.002722	ephemeral	159 linear feet	non-section 10 – non-wetland
Pond 1	37.581508	87.005678	Open water	3.207 acres	non-section 10 – non-wetland
Wet A	37.580944	87.001667	PEM1B	0.061 acres	non-section 10 – wetland
Wet B	37.580889	87.001889	PEM1B	0.194 acres	non-section 10 – wetland
Wet C	37.580750	87.006833	PEM1F/PFO1A	0.236 acres	non-section 10 – wetland
Wet D	37.581750	87.004389	PSS1E	0.056 acres	non-section 10 – wetland
Wet E	37.580583	87.004167	PEM1C	0.013 acres	non-section 10 – wetland
Wet F	37.582972	87.005306	PFO1A	0.128 acres	non-section 10 – wetland

**Including existing culvert length*

Final jurisdictional determinations will be made by US Army Corps of Engineers for all impacts.